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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-521

13 **HONORATA GALIT SHAW**
1376 Shakespeare Drive
14 Riverside, CA 92506

A C C U S A T I O N

15 **Registered Nurse License No. 386826**
Public Health Nurse Certificate No. 65908
16 **Nurse Practitioner Certificate No. 15788**
Nurse Practitioner Furnishing Certificate
17 **No. 15788**

18 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On or about July 31, 1985, the Board of Registered Nursing issued Registered Nurse
26 License Number 386826 to Honorata Galit Shaw (Respondent). The Registered Nurse License
27 was in full force and effect at all times relevant to the charges brought herein and will expire on
28 January 31, 2015, unless renewed.

3. On or about December 11, 2002, the Board of Registered Nursing issued Public Health Nurse Certificate Number 65908 to Respondent. The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2015, unless renewed.

4. On or about July 25, 2005, the Board of Registered Nursing issued Nurse Practitioner Certificate Number 15788 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2015, unless renewed.

5. On or about September 29, 2006, the Board issued Nurse Practitioner Furnishing Certificate Number 15788 to Respondent. The Nurse Practitioner Furnishing Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2015, unless renewed.

JURISDICTION

6. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

7. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

9. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

10. Section 820 of the Code states:

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

11. Code section 821 provides that the licentiate's failure to comply with an order issued under section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate of license.

CAUSE FOR DISCIPLINE

(Failure to Comply With an Order Issued Under Bus. & Prof. Code § 820)

12. Respondent has subjected her license to disciplinary action under section 2761, subdivisions (a) and (d), and section 821 of the Code in that she failed to comply with an order issued under section 820 of the Business and Professions Code. The circumstances are as follows:

13. On or about February 27, 2013, the Board filed a Petition and Order Compelling Psychological Evaluation. The Order was issued on the basis that the Board had reasonable cause to believe that Respondent may be unable to safely practice as a registered nurse because her ability is impaired due to a mental illness. On or about August 21, 2012, during an investigation into other matters, Respondent told the investigator that she had been diagnosed with pseudo-dementia and was under a doctor's care. Respondent resigned from her employment on December 20, 2011 due to dementia.

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14. On or about February 28, 2013, Respondent was served with a copy of the Petition & Order Compelling Psychological Evaluation at her address of record via First Class and Certified mail. On or about March 6, 2013, the Domestic Return Receipt was signed by "Ervin Shaw" indicating that the Petition and Order was received. Respondent was directed to contact the Board for the purpose of coordinating a timely examination. Respondent was admonished that her failure or refusal to comply in whole or in part with the Order would constitute grounds for disciplinary action against her registered nurse license. Respondent's attorney of record, Carolyn Doran, was also served with a copy of the Petition and Order.

15. On or about March 19, 2013, Attorney Doran contacted the Board and informed them that her client had left the country for an indefinite period of time. Respondent failed to comply with the Board's Order compelling her to undergo a psychological evaluation.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 386826, issued to Honorata Galit Shaw;

2. Revoking or suspending Public Health Nurse Certificate Number 65908, issued to
Honorata Galit Shaw;

3. Revoking or suspending Nurse Practitioner Certificate Number 15788, issued to Honorata Galit Shaw;

4. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 15788,
issued to Honorata Galit Shaw;

5. Ordering Honorata Galit Shaw to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

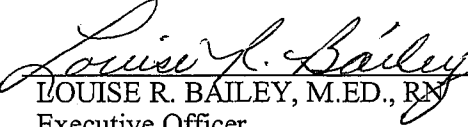
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6. Taking such other and further action as deemed necessary and proper.

DATED: APRIL 9, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2012704446